

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

2 Betty LaHargoue (Trust)

Atty

Atty

Case No. 09CEPR01050

Sanoian, Joanne (for Sandra F. Edmiston and Sheridan Mae Rodkey – Trustees) Howk, Robert L. (for Peggy Walton – Contestant)

Status Conference

Age:	SANDRA EDMISTON and SHERIDAN RODKEY,	NEEL
DOD:	as Trustees of the BETTY LAHARGOUE LIVING	
	TRUST filed a Petition for Instructions and	1
	Confirmation of Report of Trust Administration,	
Cont. from	First and Final Accounting, and Proposed Final	
Aff.Sub.Wit.	Distribution of Trust Estate on 08/18/11 with a hearing set for 10/03/11.	
Verified	incaring set for 10/03/11.	
Inventory	Objections to Fiduciaries' Account and Request for	
PTC	Surcharge of Fiduciary and other Remedies filed	
Not.Cred.	09/28/11 by PEGGY WALTON, contestant and trust	
Notice of	beneficiary.	
Hrg	NC 4 0 1 6 1 1 10/02/11 13	
Aff.Mail	Minute Order from hearing on 10/03/11 set this matter for status and states: Mr. Matsumoto is	
Aff.Pub.	appearing via conference call. The Court orders that	
Sp.Ntc.	there be no expenditures by the trust without a noticed	
Pers.Serv.	hearing and order of the court. The Court advises	
	counsel that it will entertain an order shortening time.	
Conf. Screen		
Letters	First Supplement to First and Final Account filed	
Duties/Supp	10/04/11 by Trustees Sandra Edmiston and	
Objections	Sheridan Rodkey supplements the First and Final	
Video	Account included in the Petition filed 08/18/11 without	
Receipt	any change, modification, or amendment of any portion	
CI Report	of that petition and sets forth the charges and credits the Trustees' were entitled to for the period of 07/12/11	
9202	the frustees were entitled to for the period of $07/12/11$ $= -08/11/11$.	
Order	- 00/11/11.	
Aff. Posting	Minute Order from status hearing on 12/05/11 set	Revi
Status Rpt	this matter for a Status Conference and states: Parties	Revi
UCCJEA	wish to mediate. Russell Matsumoto states his clients	Upd
Citation	have consented to his withdrawal and asks for a 60 day	Reco
FTB Notice	continuance for Sandra Edmiston to retain counsel	File
	(Ms. Rodkey wishes to resign). Nonetheless, Mr.	
	Matsumoto agrees to resume as counsel if parties seek	
	outside mediation. The Court relies on counsel as	
	officers of the Court to meet appropriately and assist as	
	needed. Counsel may contact the Court to resolve	
	issues in lieu of a mediator i.e. parties may contact the	

Department for a Settlement Conference.

DS/PROBLEMS/COMMENTS:

1. Need status update.

Reviewed by: JF

Reviewed on: 02/27/12

Jpdates:

Recommendation:

File 2 - LaHargoue

Jensen, Tamila C. (Pro Per – Sister – Executor - Petitioner)

Petition for Termination of Further Proceedings and Discharge of Personal Representative (Prob. C. 12251)

DOI	D: 4-23-10		TAMUA C JENSON Sister and Evecutor	NEEDS/PROBLEMS/COMMENTS:
DOI	J. 4-23-10		TAMILA C. JENSON, Sister and Executor	NEEDS/FROBLEWS/COMMENTS.
			without IAEA and without bond, is Petitioner.	Note: Petitioner/Executor is an attorney
				in Granada Hills, CA.
			Petitioner states the value of the estate was	
Con	t. from 010912	ī	originally estimated at \$10,000.00 and was	1. Need proposed order.
	Aff.Sub.Wit.		believed to consist of a claim against the	
~	Verified		estate of her prior spouse. However, it	
	Inventory		appears that claim is not viable because of	
	PTC		various counter claims raised by the executor	
	Not.Cred.		of the prior spouse's estate, and the	
~	Notice of Hrg		impracticality of proving any such claim, as	
~	Aff.Mail	W	both are now deceased.	
	Aff.Pub.			
	Sp.Ntc.		Petitioner has diligently searched for assets	
	Pers.Serv.		but has failed to discover any property	
	Conf. Screen		belonging to the estate that is subject to	
~	Letters	8-11-10	administration.	
	Duties/Supp			
	Objections		Petitioner prays for an order terminating	
	Video Receipt		further proceedings and discharging	
	CI Report		Petitioner as the personal representative.	
~	9202			
	Order	Х		
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 2-24-12
	UCCJEA			Updates:
	Citation			Recommendation:
~	FTB Notice	_		File 3 - Jensen

Atty

Charles E. Moore, Sr. (Estate)

Mcfarlane, Steven P. (for Cindy Marie Moore Harvey – Executor – Petitioner)

Petition to Determine Ownership of Property

Charles E. Moore, Sr.		•	CINDY MARIE MOORE HARVEY,	NEEDS/PROBLEMS/COMMENTS:	
	D: 12-8-08		Daughter and Executor with full IAEA		
Ellen Moore			without bond, is Petitioner.	Note: This is an ancillary proceeding	
DOI	D: 11-12-03		, , , , , , , , , , , , , , , , , , , ,	concerning a 7.66% interest in certain real property in Fresno, CA. Decedent and his wife	
			Petitioner states Decedent and his wife	were residents of South Carolina.	
			were residents of South Carolina.	Were residents of south carolina.	
Con	t. from 010912		Decedent's wife Ellen Moore owned a	Minute Order 1-9-12: Mr. Mcfarlane is	
	Aff.Sub.Wit.		7.66% interest in certain real property	appearing via conference call. Matter	
~	Verified		in Fresno, and after her death in 2003,	continued to 3-5-12.	
	Inventory		her estate was probated in South	As of 2.24.12, the following issues remain.	
	PTC		Carolina. Decedent was the sole	As of 2-24-12, the following issues remain:	
	Not.Cred.		beneficiary and this asset was listed as	1. Petitioner states this petition is brought	
~			an asset of her estate in the South	pursuant to Probate Code §§ 850 and	
	Notice of Hrg	147	Carolina probate. Decedent assumed	17200(b), which indicates that a trust is	
~	Aff.Mail	W		involved.	
	Aff.Pub.		the property had been conveyed and	Examiner also notes that the South Carolina	
	Sp.Ntc.		treated the property as his own,	Inventory and Appraisement form from	
	Pers.Serv.		including obtaining rental income. He	Ellen Moore's probate (Exhibit D) states	
	Conf. Screen		also specifically identified the property	"BLACKSTONE REAL ESTATE PROPERTY <u>IN</u>	
>	Letters	11-10-10	in his own will.	TRUST FROM HER FATHER'S ESTATE."	
	Duties/Supp		B control of the state of	[Emphasis added].	
	Objections		Petitioner recently discovered that no	Probate Code §17203(b) requires notice to	
	Video Receipt		conveyance of title to the subject	any person whose right, title, or interest	
	CI Report		property was ever recorded in Fresno	would be affected.	
	9202		County; however, there can be no		
	Order		question that Charles E. Moore, Sr., was	Need clarification:	
			the legal owner and inherited it from	Here to atalog of abits to account to abis on all	
			Ellen Moore, and this it is properly part	 How is title of this interest in the real property currently held? 	
			of his estate.	property currently field:	
				- Is a trust involved, and are there any other	
			Petitioner states notice was provided to	parties whose interest in the subject	
			the living beneficiaries of both estates	property may be affected by this petition	
			and provides authority including	(such as Ellen Moore's relatives or other	
			reference to Probate Code §§ 850-859,	trust beneficiaries or owners of interest in the property)?	
			specifically 850(a)(2)(C)-(D) and 856,	the property):	
			regarding satisfaction of the Court for	SEE PAGE 2	
			conveyance or transfer. Petitioner		
	Aff. Posting		states there is ample evidence here and	Reviewed by: skc	
	Status Rpt		the "evident purpose" of these statutes	Reviewed on: 2-24-12	
	UCCJEA		is to "effectuate the intent of the	Updates:	
	Citation		decedent." (In re Estate of Young (2008)	Recommendation:	
	FTB Notice		160 Cal.App.4 th 62, 92.)	File 4 - Moore	
			Petitioner requests an order		
			confirming that title passed to		
			Decedent by and through the Estate of		
			Ellen Moore and is part of his estate.		
1		<u> </u>		4	

NEEDS/PROBLEMS/COMMENTS (Continued):

2. The Court may require clarification or authority for transfer of the subject property interest within this estate rather than an ancillary proceeding of Ellen Moore's estate with notice to <u>her</u> relatives/heirs.

Petitioner states the parties entitled to notice pursuant to Probate Code §17203(a) are Petitioner, Stanley Moore and Paul Moore, who are this decedent's children and Ellen Moore's step-children. This decedent treated the subject property as his own and specifically devises it to his children in equal shares.

However, Examiner notes that the South Carolina probate order lists two sons of Ellen Moore, Mark East and Reggie East, both of Fresno, who were not listed. Further, Ellen Moore's will intentionally made no provision for Stanley Moore and Paul Moore, and at this time, transfer to this decedent's estate would, in essence, effectuate transfer to parties that were specifically excluded.

Update: Notice of Hearing filed 2-2-12 shows service on Mark East and Reginald Bryan East.

3. Petitioner states the South Carolina probate included the subject property and refers to the Inventory and Appraisement. However, Examiner notes that the South Carolina I&A form *incorrectly* lists the subject property as an "In-state" property rather than an "Out-of-state" property.

Since Petitioner requests conveyance based on the inclusion of the real property in that 2003 South Carolina "Informal" probate, the Court may require authority regarding whether such inclusion was appropriate.

Examiner further notes that the South Carolina "Informal" probate appears to be verification-based only and does not appear to have admitted the will or required notice to her relatives at that time.

Therefore, the Court may require clarification and/or further notice.

Sark-Daniel Trust Created 5-6-1990

5A

Atty

Case No. 11CEPR00982

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner) Atty

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990	DANIEL L. SERIMIAN, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Lionel Serimian DOD: 1-12-08 Cont. from 010312	Petitioner states the Sark-Daniel Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.	CONTINUED TO 6-26- 12 (Pursuant to Request by Petitioner's Counsel)
Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail W Aff.Pub.	DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN. Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, DAVID M. SERIMIAN and MARLON D. SERIMIAN, along with Petitioner's sister LESLIE A. (SERIMIAN) MORGAN are nominated as co-trustees.	
Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt	Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 or the date of death of the last to die of LIONEL M. SERIMIAN and DONALD M. SERIMIAN (the decedent's nephews and original cotrustees of this and the other trusts).	
CI Report 9202 Order X Aff. Posting Status Rpt UCCJEA Citation FTB Notice	Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN , suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a	Reviewed by: skc Reviewed on: 12-15-11 Updates: 12-21-11 Recommendation: File 5A – Sark-Daniel
	separate civil complaint (attached). Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son. Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee	
	would fall upon the aforementioned successors. SEE PAGE 2	

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A.** (**SERIMIAN**) **MORGAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

5A Sark-Daniel Trust Created 5-6-1990

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

Case No. 11CEPR00982

- 1. Lionel Serimian's death;
- 2. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
- 3. Donald M. Serimian's incapacity;
- 4. The dissention and ill-will among the parties; and
- 5. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

- 1. For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;
- 2. For an order for surcharge of Donald M. Serimian;
- 3. For an order removing Donald M. Serimian as trustee of the trust;
- 4. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as cotrustees of the trust;
- 5. For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;
- 6. For an order terminating the trust;
- 7. For an order instructing the trustee with regard to the proper distribution of trust assets;
- 8. For attorneys' fees and costs incurred or to be incurred by Petitioner; and
- 9. For such other orders as the court may deem just and proper.

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

٧.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

5B Atty

Marchini, Joseph M

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age	:		NEEDS/PROBLEMS/COMMENTS:
DOI	D:		
			CONTINUED TO 6-26-12
			(Pursuant to Request by Petitioner's Counsel)
Con	t. from		, , ,
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of		
	Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video		
	Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting]	Reviewed by:
	Status Rpt	_	Reviewed on:
	UCCJEA		Updates:
	Citation]	Recommendation:
	FTB Notice		File 5B – Sark-Daniel

5B

6A Daniel L. Serimian Trust 12-29-1978 Case No. 11CEPR00983
Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Atty

Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian	DANIEL L. SERIMIAN, beneficiary, is Petitioner.	NEEDS/PROBLEMS/
DOD: 5-6-1990 Lionel Serimian	Petitioner states on 12-29-1978, DONALD M. SERIMIAN and LIONEL	COMMENTS:
DOD: 1-12-08	M. SERIMIAN established an irrevocable trust for the benefit of	CONTINUED
	Petitioner.	TO 6-26-12
	DONALD M. SERIMIAN is the sole remaining trustee after the death	' 5
Cont. from 010312	of his brother, co-trustee LIONEL M. SERIMIAN.	(Pursuant to Request by
Aff.Sub.Wit.	Petitioner states the trust provides that the trust shall terminate	Petitioner's
✓ Verified	when both trustees shall for any reason fail to qualify or cease to act,	Counsel)
Inventory	and the entire estate as then constituted shall be distributed to the	
PTC	beneficiary.	
Not.Cred.	Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the	
✓ Notice of Hrg ✓ Aff.Mail W	remaining sole trustee, DONALD M. SERIMIAN , suffered a stroke in	
Aff.Pub.	or about 2010 which left him incapacitated and unable to quality or	
Sp.Ntc.	serve as trustee. In addition, Petitioner states the trustee is in breach	
Pers.Serv.	of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and	
Conf. Screen	concert with certain nominated successor co-trustee(s), and damages	
Letters	suffered, are set forth in a separate civil complaint (attached).	
Duties/Supp	1 ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	
Objections	Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee,	
Video Receipt	have unjustly enriched themselves and MARLON D. SERIMIAN, his	
CI Report	other son.	
9202		
Order X	Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his	Daviewed houseles
Aff. Posting	incapacity due to the stroke he suffered in 2010.	Reviewed by: skc
Status Rpt		Reviewed on: 12- 15-11
UCCJEA	Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its	Updates: 12-21-11
Citation	assets to Petitioner.	Recommendation:
FTB Notice		File 6A - Serimian
	The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land.	
	Schedule A also listed \$3,000.00 cash from Agnes Serimian and \$3,000.00 cash from Sarkis Serimian.	
	Petitioner states DONALD M. SERIMIAN , while serving as trustee, misused and misappropriated assets and that both he and de facto trustee DAVID M. SERIMIAN have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).	
	SEE PAGE 2	
		C A

6A Daniel L. Serimian Trust 12-29-1978

Case No. 11CEPR00983

PAGE 2 OF 2 - SUMMARY (Continued):

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

- 1. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;
- 2. For an order for surcharge of trustee Donald Serimian;
- 3. For an order removing Donald Serimian as trustee of the trust;
- 4. For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;
- 5. For an order terminating the trust;
- 6. For an order instructing the trustee with regard to the proper distribution of trust assets;
- 7. For attorneys' fees and costs incurred or to be incurred by Petitioner; and
- 8. For such other orders as the court may deem just and proper.

6B Atty

Marchini, Joseph M

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:	NEEDS/PROBLEMS/COMMENTS:	
DOD:		
	CONTINUED TO 6-26-12	
	1	(Pursuant to Request by Petitioner's Counsel)
Cont. from	1	(*
Aff.Sub.Wit.		
Verified	1	
Inventory		
PTC	1	
Not.Cred.	1	
Notice of		
Hrg		
Aff.Mail]	
Aff.Pub.]	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen]	
Letters]	
Duties/Supp		
Objections		
Video	1	
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by:
Status Rpt		Reviewed on:
UCCJEA	_	Updates:
Citation	4	Recommendation:
FTB Notice		File 6B - Serimian

6B

7A Leslie A. Serimian (Morgan) Trust 12-29-1978 Case No. 11CEPR00984 Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner) Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan) Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian) Atty

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403,

15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990	LESLIE A. MORGAN (SERIMIAN), beneficiary, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Lionel Serimian DOD: 1-12-08	Petitioner states on 12-29-1978, DONALD M. SERIMIAN and LIONEL M. SERIMIAN established an irrevocable trust for the benefit of Petitioner.	CONTINUED TO 6-26-12
Cont. from 010312 Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters	DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN. Petitioner states the trust provides that the trust shall terminate when both trustees shall for any reason fail to qualify or cease to act, and the entire estate as then constituted shall be distributed to the beneficiary. Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set	(Pursuant to Request by Petitioner's Counsel)
Duties/Supp Objections Video Receipt CI Report 9202 Order X Aff. Posting Status Rpt	forth in a separate civil complaint (attached). Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son. Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010.	Reviewed by: skc Reviewed on: 12-15- 11
UCCJEA Citation FTB Notice	Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.	Updates: 12-21-11 Recommendation: File 7A - Serimian
	The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land. Schedule A also listed \$3,000.00 cash from Agnes Serimian and \$3,000.00 cash from Sarkis Serimian.	
	Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee DAVID M. SERIMIAN have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a). SEE PAGE 2	
	<u>JLL FAGL Z</u>	7Δ

7A Leslie A. Serimian (Morgan) Trust 12-29-1978 Case No. 11CEPR00984

PAGE 2 OF 2 - SUMMARY (Continued):

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

- 9. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;
- 10. For an order for surcharge of trustee Donald Serimian;
- 11. For an order removing Donald Serimian as trustee of the trust;
- 12. For an order vesting the trust property for the benefit of Petitioner Leslie A. Morgan (Serimian);
- 13. For an order terminating the trust;
- 14. For an order instructing the trustee with regard to the proper distribution of trust assets;
- 15. For attorneys' fees and costs incurred or to be incurred by Petitioner; and
- 16. For such other orders as the court may deem just and proper.

7B Atty

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:		NEEDS/PROBLEMS/COMMENTS:
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video		
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CI Report		
9202		
Order		
Aff. Posting		Reviewed by:
Status Rpt		Reviewed on:
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 7B - Serimian

7B

8A Sark-Leslie Trust Created 5-6-1990 Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner) Atty

Case No. 11CEPR00985

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian) Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403,

15642, 16420, 16440, 17200(a), 17200(b)(7)]

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	UCCJEA	
	Citation	
	FTB Notice	

Atty Atty

LESLIE A. MORGAN (SERIMIAN) is Petitioner.

Petitioner states the Sark-Leslie Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee **LIONEL M. SERIMIAN**.

Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, DAVID M. SERIMIAN and MARLON D. SERIMIAN, along with Peittioner's brother **DANIEL L. SERIMIAN** are nominated as co-trustees.

Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 or the date of death of the last to die of LIONEL M. SERIMIAN and DONALD M. **SERIMIAN** (the decedent's nephews and original cotrustees of this and the other trusts).

Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioner believes **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 6-26-12

(Pursuant to Request by Petitioner's Counsel)

Reviewed by: skc **Reviewed on: 12-15-11 Updates:** 12-21-11 Recommendation:

File 8A – Sark-Leslie

8A

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **DANIEL M. SERIMIAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fial to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee and DAVID M. SERIMIAN as de facto trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustees for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

8A Sark-Leslie Trust Created 5-6-1990

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

Case No. 11CEPR00985

- 6. Lionel Serimian's death;
- 7. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
- 8. Donald M. Serimian's incapacity;
- 9. The dissention and ill-will among the parties; and
- 10. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

- 10. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;
- 11. For an order for surcharge of trustee Donald M. Serimian;
- 12. For an order removing Donald M. Serimian as trustee of the trust;
- 13. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as cotrustees of the trust;
- 14. For an order <u>partitioning</u> the trust estate and vesting the trust property for the benefit of Petitioner Leslie A. Morgan;
- 15. For an order terminating the trust;
- 16. For an order instructing the trustee with regard to the proper division of trust assets;
- 17. For attorneys' fees and costs incurred or to be incurred by Petitioner; and
- 18. For such other orders as the court may deem just and proper.

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

8B Atty

Salish, Victoria J.

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:	NEEDS/PROBLEMS/COMMENTS:	
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Letters		
Duties/Supp		
Objections		
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Status Rpt		Reviewed on:
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8B – Sark-Leslie

9A Sark-Lionel Trust Created 7-10-1995 Case No. 11CEPR00986 Atty

Atty Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)
Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian	DANIEL L. SERIMIAN and LESLIE A. MORGAN, Beneficiaries,	NEEDS/PROBLEMS/
DOD: 5-6-1990	are Petitioners.	COMMENTS:
Lionel Serimian		
DOD: 1-12-08	Petitioners state the Sark-Lionel Trust was created for the	CONTINUED TO 6-
	benefit of their father LIONEL M. SERIMIAN under the will of	<u>26-12</u>
	Sarkis Serimian, which was recognized by the Court in its	
Cont. from 010312	order for final distribution entered 7-10-1995 in 0419962-6.	(Pursuant to Request by
Aff.Sub.Wit.	51 del 101 illiai distribation entered 7 10 1555 ill 6 115502 61	Petitioner's Counsel)
✓ Verified	DONALD M. SERIMIAN is the sole remaining trustee after	
Inventory	the death of his brother, co-trustee and beneficiary	
PTC	LIONEL M. SERIMIAN.	
	EIONEE IVI. SERIIVIIAIN.	
Not.Cred.	Petitioners state the trust provides that should Donald M.	
✓ Notice of Hrg	Control on the language of the control of the contr	
✓ Aff.Mail W	DAVID M. SERIMIAN and MARLON D. SERIMIAN, along with	
Aff.Pub.	Petitioner's sister LESLIE A. (SERIMIAN) MORGAN are	
Sp.Ntc.	nominated as co-trustees.	
Pers.Serv.	Hommated as co-crustees.	
Conf. Screen	Dotitionars state the trust provides that the trust shall	
Letters	Petitioners state the trust provides that the trust shall terminate as of the date of death of the beneficiary and	
Duties/Supp	assets be distributed to his issue, or their trusts, if in	
Objections	existence.	
Video Receipt	existence.	
CI Report	Petitioners state LIONEL M. SERIMIAN died 1-12-08, and the	
9202	remaining sole trustee, DONALD M. SERIMIAN , suffered a	
Order X	stroke in or about 2010 which left him incapacitated and	
Aff. Posting	unable to qualify or serve as trustee. In addition, Petitioners	Reviewed by: skc
Status Rpt	state the trustee is in breach of his duties as trustee. The	Reviewed on: 12-15-11
UCCJEA	facts and specific duties violated by the now-incapacitated	Updates: 12-21-11
Citation	trustee, both independently and in collusion and concert	Recommendation:
FTB Notice	with certain nominated successor co-trustee(s), and	File 9A – Sark-Lionel
	damages suffered, are set forth in a separate civil complaint	
	(attached).	
	(actached).	
	Specifically, Petitioners state that in addition to failing to	
	terminate and distribute at Lionel's death, trustee DONALD	
	M. SERIMIAN and his son DAVID M. SERIMIAN, who has	
	been acting as a de facto trustee, have unjustly enriched	
	themselves and MARLON D. SERIMIAN, his other son.	
	themselves and MARLON D. SERMMAN, IIIS Other SON.	
	Petitioners believe DONALD M. SERIMIAN is unfit to serve as	
	trustee both as a result of his wrongful conduct and as a	
	result of his incapacity due to the stroke he suffered in 2010.	
	Under the terms of the trust, the duties of trustee would fall	
	upon the aforementioned successors.	
	CEE DAGE 2	
	<u>SEE PAGE 2</u>	

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioners state that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioners state this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioners) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A. (SERIMIAN) MORGAN**, whose interests are not adverse to Petitioner Daniel's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioners state it is in the best interest of the beneficiaries that the Court terminate the trust and distribute its assets to Petitioners. (<u>Note</u>: Although the Trust requires distribution to the beneficiaries' trusts, if in existence, Petitioners have concurrently brought petitions (Pages 2 and 5) to terminate those trusts. Here, Petitioners seek instructions regarding distribution.)

The trust contains real and personal property located in Fresno County, specifically a 16.6667% undivided interest in four ranches and three other properties that are used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioners state DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioners in violation of the duties imposed by Probate Code §16062(a).

Petitioners state that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioners made it clear that they wanted all records preserved, accountants reviewing the information on behalf of Petitioners were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioners state these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioners state that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioners therefore believe that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioners' request to preserve.

Petitioners state that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioners request the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioners also state DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioners request an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioners request that the Court award attorneys' fees to Petitioners based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioners request removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioners state the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

Dept. 303, 9:00 a.m. Monday, March 5, 2012

9A Sark-Lionel Trust Created 7-10-1995

Case No. 11CEPR00986

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioners request an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409.

Although Lionel Serimian's death alone provides the legal basis for terminating the trust, Petitioners state four additional significant events or patterns of conduct further warrant termination:

- 11. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees:
- 12. Donald M. Serimian's incapacity;
- 13. The dissention and ill-will among the parties; and
- 14. The tripartite co-trustee structure that would give control to parties adverse to Petitioners and lead to further erosion of the trust corpus.

Petitioners pray as follows:

- 19. For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;
- 20. For an order for surcharge of trustee Donald M. Serimian;
- 21. For an order removing Donald M. Serimian as trustee of the trust;
- 22. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;
- 23. For an order vesting the trust property for the benefit of Petitioners Daniel L. Serimian and Leslie A. Morgan;
- 24. For an order terminating the trust;
- 25. For an order instructing the trustee with regard to the proper distribution of trust assets;
- 26. For attorneys' fees and costs incurred or to be incurred by Petitioner; and
- 27. For such other orders as the court may deem just and proper.

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

9B Atty

Marchini, Joseph M

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		CONTINUED TO 6-26-12
		(Pursuant to Request by Petitioner's Counsel)
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Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by:
Status Rpt		Reviewed on:
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 9B – Sark-Lionel

9B

Shahbazian, Steven L. (for Pamela S. Lockie and Jeffrey D. Lockie – Petitioners)
Petition for Appointment of Temporary Guardianship of the Person

Age	: 4		GENERAL HEARING 4-18-12	NEEDS/PROBLEMS/COMMENTS:
DO	3: 5-7-07			
			PAMELA S. LOCKIE and JEFFREY D. LOCKIE,	1. Need Notice of Hearing.
			Maternal Grandmother and Step-	2. Need musef of newspeed service of
			Grandfather, are Petitioners.	2. Need proof of personal service of Notice of Hearing with a copy of the
	Aff.Sub.Wit.			temporary petition at least five court
~	Verified		Father: BENJAMIN MICHAEL WALZBERG	days prior to the hearing per Probate
	Inventory		Mother: JESSICA LAUREN WALZBERG	Code §2250(e) or consent and waiver
	PTC			of notice on:
	Not.Cred.		Paternal Grandfather: Michael G. Walzberg	- Benjamin Michael Walzberg (Father)
	Notice of	Х	Paternal Grandmother: Sandra Walzberg	- Jessica Lauren Walzberg (Mother)
	Hrg	^	Matarnal Crandfathary line C. Barline	
	Aff.Mail		Maternal Grandfather: Jim G. Perkins	
	Aff.Pub.		Sibling: Dylan Kyle Perkins	
			Sibiling. Dylan kyle Perkins	
	Sp.Ntc.	V/	Petitioners state the parents are substances	
	Pers.Serv.	Х	abusers, generally opiate derivatives,	
*	Conf. Screen		including Oxycontin, Methadone, Opana, and	
~	Letters		Suboxone. The parents stated that they	
>	Duties/Supp		wanted to go to Arroyo Grande to "get clean:	
	Objections		and left on 2-10-12. Gwyneth has been with	
	Video		Petitioners since 1-15-12.	
	Receipt			
	CI Report		The parents had been living in a rental home	
	9202		owned by Petitioner's mother for the past	
~	Order		year, but are approx. \$12,000.00 in arrears.	
	Aff. Posting		As a result of their irresponsible, chaotic drug-	Reviewed by: skc
	Status Rpt		impacted lifestyles, both parents are not	Reviewed on: 2-24-12
~	UCCJEA		capable of providing a proper, safe and caring	Updates:
	Citation		home environment for Gwyneth.	Recommendation:
	FTB Notice			File 10 - Walzberg
			The parents have stated that they wanted to	
			leave California with Gwyneth and relocate	
			somewhere else in the US for a fresh start to	
			"get off drugs." Petitioner's state that at four	
			years old, Gwyneth needs proper care and	
			protection that her parents cannot provide.	

Stacy Lynn Moore (CONS/PE)

Humpal, Leroy C (for Conservators Rosemarie Swearingen and Maile Moore)

Probate Status Hearing Re: Failure to File Annual or Biennial Account

	Probate Status Hearing Re: Failure to Fil	
Age: 36 years	ROSEMARIE A. SWEARINGEN	NEEDS/PROBLEMS/COMMENTS:
DOB: 4/19/1975	and MAILE MOORE , were	
	appointed co-Conservators of the	1. Need current status report or first
	person and estate on 12/20/1993.	account.
Cont. from 121211	First account was due 12/20/1994.	
Aff.Sub.Wit.		
Verified		
Inventory	Court Investigator JoAnn Morris'	
PTC	Report filed on 8/30/11 states	
Not.Cred.	although the conservatorship is of the	
Notice of	person and estate there are no assets in	
Hrg	the conservatorship.	
Aff.Mail	the conservatorship.	
Aff.Pub.]	
Sp.Ntc.]	
Pers.Serv.		
Conf. Screen		
Letters	=	
Duties/Supp	=	
Objections	1	
Video	7	
Receipt		
CI Report]	
9202]	
Order		
Aff. Posting]	Reviewed by: KT
Status Rpt		Reviewed on: 2/24/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Moore

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Atty

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. §12200, et seq.)

DOD: 9-21-06			MIARIYE KATAOKA, Spouse, was appointed	NEEDS/PROBLEMS/COMMENTS:
			Executor with Full IAEA without bond on 3-4-08.	
			Letters issued on 12-6-11.	STANLEY KATAOKA has filed a
				Petition for appointment as
			The Inventory and Appraisal was filed 7-26-11.	Executor that is set for hearing on 2-22-12.
	Aff.Sub.Wit.		On 1 4 12 the Court set this status bearing for	
	Verified		On 1-4-12, the Court set this status hearing for failure to file a first account or petition for final	
>	Inventory		distribution.	
	PTC		distribution.	
	Not.Cred.		Status Report filed 2-17-12 by STANLEY	
~	Notice of		KATAOKA, Son, states that the Executor passed	
	Hrg		away on 12-26-11. The Decedent and his spouse	
>	Aff.Mail	W	were survived by four children: Stanley Kataoka,	
	Aff.Pub.		Myra Stackpole, Nora Juncal, and Mel Kataoka.	
	Sp.Ntc.		Notice of this status hearing has been provided to	
	Pers.Serv.		all four.	
	Conf. Screen		CTANIEW MATA ONA has Clade Dalling for	
	Letters		STANLEY KATAOKA has filed a Petition for	
	Duties/Supp		appointment as Executor that is set for hearing on 3-27-12.	
	Objections		3-27-12.	
	Video Receipt		Petitioner requests an Order approving the acts	
	CI Report		and transactions of the Executor and granting an	
	9202		extension of time to prepare the estate for closing	
	Order		and file a petition for final distribution.	
	Aff. Posting			Reviewed by: skc
~	Status Rpt			Reviewed on: 2-24-12
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 12 - Kataoka

Atty Kruthers, Heather H (for the Public Administrator, current Administrator of the Estate)
Status Hearing Re: Filing of the Inventory and Appraisal

	Status flearing Ne. Fining of the inventory and Appraisa					
DOD: 7/2/08	STEVEN GAUCIN , son, was	NEEDS/PROBLEMS/COMMENTS:				
	appointed Administrator of the Estate					
	with full IAEA and without bond on					
	9/16/08.	OFF CALENDAR. Inventory and				
Cont. from 013012		appraisal was filed on 1/31/12.				
Aff.Sub.Wit.	Letters did not issue.	applaisal was fred on 1/31/12.				
Verified	7					
Inventory	At a status hearing on 9/29/11 for					
PTC	failure to file the inventory and					
Not.Cred.	appraisal and first account or petition					
Notice of	for final distribution the court					
Hrg	appointed the Public Administrator to					
Aff.Mail	represent the Estate and set this status					
Aff.Pub.	hearing for the filing of the inventory					
Sp.Ntc.	and appraisal.					
Pers.Serv.						
Conf. Screen						
Letters						
Duties/Supp						
Objections						
Video						
Receipt						
CI Report						
9202						
Order						
Aff. Posting		Reviewed by: KT				
Status Rpt		Reviewed on: 2/24/12				
UCCJEA	<u> </u>	Updates:				
Citation	_	Recommendation:				
FTB Notice		File 13 - Gaucin				

Sanoian, Joanne (for Administrator Rocky Bucci)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. §12200, et seq.)

DOD: 6/5/2009	ROCKY BUCCI was appointed as	NEEDS/PROBLEMS/COMMENTS:
	Administrator with full IAEA and	
	without bond on 7/28/09.	1. Need current status report, first account or petition for final
		distribution.
Cont. from	I & A filed on 8/5/2009 showing an	
Aff.Sub.Wit.	estate valued at \$64,650.00.	
Verified		
Inventory	First account or petition for final	
PTC	distribution was due 7/28/2010.	
Not.Cred.		
Notice of	This status hearing was set for the	
Hrg	filing of the first account or petition	
Aff.Mail	for final distribution.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt	-	
CI Report	=	
9202	-	
Order	4	De la colla 167
Aff. Posting	-	Reviewed by: KT
Status Rpt	-	Reviewed on: 2/24/12
UCCJEA Citation	-	Updates: Recommendation:
FTB Notice	-	File 14 - Bucci
FID NOTICE		riie 14 - Ducci

Consuelo Garza (Estate) Greenup, Patricia (Pro Per – Daughter – Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. § 122200, et seq.)

	PATRICIA GREENUP was appointed	NEEDS/PROBLEMS/COMMENTS:
DOD: 5-5-06 Cont. from 041111, 062011, 010912 Aff.Sub.Wit.	Administrator with Limited IAEA without bond and Letters issued on 1-2-07. Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at \$175,000.00.	Note: Petitioner was previously represented by Attorney Richard C. Henderson, but pursuant to Substitution of Attorney filed 10-13-09, is now pro per. Minute Order 4-11-11: Examiner notes handed to Ms. Greenup. Matter continued to 6-20-11.
Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail	A status report from February 2008 indicated that the house was listed for sale and requested six months to close administration. On 2-18-11, the court set this status hearing for failure to file a first account or petition for final distribution. Notice was sent to Administrator on 2-18-11.	Minute Order 6-20-11: Examiner notes provided to Ms. Greenup. Mr. Greenup advises the Court that the home is not listed for sale, but is being rented by a non-relative. He further advises that he intends to have the property reappraised. Mr. Greenup requests a five to six months continuance. Matter continued to 1/9/12.
Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters	On 4-11-11, the matter was continued to 6-20-11.	Minute Order 1-9-12: No appearances. The Court sets the matter for an Order to Show Cause Re: Failure to File the First Account on 3-5-12. The Court orders Patricia Greenup to be present on 3-5-12.
Duties/Supp Objections Video Receipt	On 6-20-11, Mr. Greenup advised the Court that the home is not listed for sale, but is being rented by a non-relative, and he intends to have the property re-appraised. Mr. Greenup requested a 5-6 month continuance.	As of 2-24-12, nothing further has been filed. The following issues remain: Need account current or petition for final distribution.
CI Report 9202 Order	The matter was continued to 1-9-12. Examiner's note: Present at the hearing were Patricia Greenup and Arthur Greenup (unknown relation).	2. The Court may also require notice of hearing(s) to the heirs and the Dept. of Health Care Services pursuant to their Request for Special Notice.
Aff. Posting	(unknown relation).	Updates:
Status Rpt X	On 1-9-12, there were no appearances. The	Contacts: Reviewed 2-24-12
UCCJEA	Court set the matter for an Order to Show	Recommendation:
Citation	Cause Re: Failure to File the First Account on	Reviewed by: skc
FTB Notice	3-5-12 (Page 16B). The minute order was mailed to Petitioner.	File 16A - Garza
	Nothing further has been filed.	
		404

16A

Consuelo Garza (Estate)

Greenup, Patricia (Pro Per – Daughter – Administrator)

Order to Show Cause Re: Failure to File 1st Account

DOD	: 5-5-06	PATRICIA GREENUP was appointed	NEEDS/PROBLEMS/COMMENTS:
		Administrator with Limited IAEA without bond	·
		and Letters issued on 1-2-07.	
		Inventory and Appraisal filed 4-27-07 reflects	
	Aff.Sub.Wit.	real property located in Clovis valued at	
\parallel	Verified	\$175,000.00.	
-		A status was aut fuana Fahiriani 2000 in diaatad	
+	Inventory	A status report from February 2008 indicated	
\parallel	PTC	that the house was listed for sale and requested six months to close administration.	
	Not.Cred.	Six months to close administration.	
	Notice of Hrg	On 2-18-11, the court set status hearing for	
	Aff.Mail	failure to file a first account or petition for final	
	Aff.Pub.	distribution. Notice was sent to Administrator	
	Sp.Ntc.	on 2-18-11.	
	Pers.Serv.		
	Conf. Screen	The matter was continued twice, and on 1-9-12,	
	Letters	there were no appearances.	
	Duties/Supp		
	Objections	The Court set this Order to Show Cause and the	
	Video Receipt	minute order was mailed to Petitioner on 1-13-	
	CI Report	12.	
	9202		
	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 2-24-12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 16B - Garza

16B

Aaliyah Morales, Talaya Young, Edward Young, Jr. & Kaziyah Lewis (GUARD/P) Case No. 10CEPR00525

Atty Gutierrez, Mary Ann (pro per Petitioner/family friend)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

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DoB: 1/23/2003 Talaya age: 5 years DoB: 6/9/2006 Edward age: 3 years DoB: 2/13/2008 Aaliyah's father: CIRO MORALES Declaration of due diligence filed on 11/29/11 states mother has decided to keep Talaya and Edward with her. It is unclear if the Petitioner is intending to amend her petition to only include minors Aaliyah and Kaziyah Satismary Sati	Aaliyah age: 9 years		s	Temporary (as to all 4 minors)	NEEDS/PROBLEMS/COMMENTS:
Doct. Inventory To Inventory PTC Not.Cred. Notice of X Hrg Aff.Pub. Talaya and Edward's paternal grandparents – unknown Declaration of due diligence Inventory To Not.Cred. Adiyah's paternal grandparents – unknown Declaration of due diligence Inventory To Not.Cred. Adiyah's paternal grandparents – unknown Sp.Ntc. Talaya and Edwards' paternal grandparents – unknown Earlyah's paternal grandparents – unknown Declaration of due diligence Notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice of Declaration of Due Diligence on: a. Ciro Morales daliyah – unknown Declaration of due diligence Note of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice of Declaration of Due Diligence on: a. Ciro Morales daliyah – unknown Declaration of due diligence Note of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice of Declaration of Due Diligence on: a. Ciro Morales daliyah – unknown Declaration of Due Diligence on: a. Ciro Morales daliyah – unknown Declaration of Due Diligence on: a. Ciro Morales daliyah – unknown Declaration of Due Diligence on: a. Ciro Morales daliyah – unless the court dispenses with notice. (Note: Petition states father is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Scalayah's paternal grandparents – unless the court dispenses with notice. Saziyah's paternal grandparents – unless the court dispenses with notice. Consent and Waiver of Notice of Declaration of Due Diligence on: a. Aliyah's paternal grandparents – unless the court dispenses with notice. Consent and Waiver of Notice of Declaration of Due Diligence on: a. Aliyah's paternal grandparents – unless the court dispenses with notice. Consent and Waiver of Notice of Declaration of Due Diligence on: a. Aliyah's paternal grandparents – unless the court dispenses with notice. Consent and Waiver of Notice of Declaration of Due Diligence on: a. A	DOB: 1/23/2003 Talaya age: 5 years DOB: 6/9/2006 Edward age: 3 years DOB: 2/13/2008			Expires 3/5/12. MARY ANN GUTIERREZ, family friend, is petitioner. Aaliyah's father: CIRO MORALES -	11/29/11 states mother has decided to keep Talaya and Edward with her. It is unclear if the Petitioner is intending to amend her petition to only include minors Aaliyah and
Aff. Sub. Wit. Aff. Sub. Wit. ✓ Verified Inventory Inventory PTC Not. Cred. Notice of Hrg Aff. Mail × Aliyah's paternal grandparents – unknown Sp. Ntc. Pers. Serv. × Conf. Screen ✓ Letters Objections Video Receipt ✓ CI Report Aff. Posting Status Rpt ✓ UCCIEA Aff. Posting Status Rpt ✓ UCCIEA Citation Talaya and Edward's father: EDWARD YOUNG Kaziyah's father: UNKNOWN – Declaration of due diligence filed on 11/23/12 (Judge M. Bruce Smith) states Examiner notes are provided to the Petitioner is directed to give notice to the father. The Court on its own motion grants a temporary guardianship to Mary Ann Gutierrez as to all four minors. As of 2/24/12 the following issues remain: 1. Need Notice of Hearing. Need proof of personal service of the Notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Ciro Mores Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Ciro Mores Petitioner or Consent and Edward's father) – unless the court dispenses with notice. (Note: Petitioner or Consent and Waiver of Notice or Declaration of the Children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Talaya and Edward's paternal grandparents – unknown Talaya and Edward's paternal grandparents – unknown Talaya and Edward's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents on the Petitioner or Consent and Waiver of Notice or Declaration				v e v	four minors and one for Aaliyah and Kaziyah
Verified Kaziyah's father: UNKNOWN - Declaration of due diligence filed on 11/14/11.	Co		2		onty.
Inventory	<u> </u>			1	
Inventory	<u> </u>			-	
Not.Cred.					
Notice of					
Hrg Aff.Mail X Aff.Pub. Aff.Pub. Sp.Ntc. Pers.Serv. X ✓ Conf. Screen Unknown — Declaration of due diligence filed on 11/28/11. Maternal grandfather: Deceased Maternal grandmother: Josie Alvarez − consents and waives notice. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Aff. Posting Status Rpt ✓ UCCIEA Citation 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Ciro Morales (Aaliyah's father) — unless the court dispenses with notice. (Note: Petition states father is incarcerated in Arizona for life). b. Edward Young (Talaya and Edward's father) c. Unknown father of Kaziyah —unless the court dispenses with notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aaliyah's paternal grandparents b. Talaya and Edward's paternal grandparents c. Kaziyah's paternal grandparents c. Kaziyah's paternal grandparents d. Aff. Posting Status Rpt ✓ UCCIEA Citation	_			1	
Aff.Mail X Aff.Pub. Aff.Pub. Aff.Pub. Sp.Ntc. Pers.Serv. X ✓ Conf. Screen ✓ Letters Objections Video Receipt Order Aff. Posting Status Rpt ✓ UCCJEA Citation Aliyah's paternal grandparents – unknown Aaliyah's paternal grandparents – unknown Kaziyah's paternal grandparents – unknown Maziyah's paternal grandparents – unknown Maziyah's paternal grandparents – unknown Maziyah's paternal grandparents – unknown Adilyah's paternal grandparents – unknown Maziyah's paternal grandparent is incarcerated in Arizona for life). Dettioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 1. Need Notice of Hearing. Need Proof of personal service of the Notice or Declaration of Due Diligence on: a. Ciro Morales (Aaliyah's father) – unless the court dispenses with notice. (Note: Petitioner states father is incarcerated in Arizona for life). b. Edward Young (Talaya and Edward's father) – c. Unknown father of Kaziyah –unless the court dispenses with notice. 3. Need proof of service of the Notice of Hearing along with a copy of the Petitioner or Onsent and Waiver of Notice or Declaration of Due Diligence on: a. Aliyah's paternal grandparents b. Talaya and Edward's paternal grandparents c. Kaziyah's pa			Х	– Consents and waives notice.	of 2/2 1/12 the following issues remain:
Aff.Pub. unknown Sp.Ntc. Talaya and Edwards' paternal grandparents — unknown			Χ	Aalivah's paternal grandparents –	· ·
Sp.Ntc. Talaya and Edwards' paternal grandparents - unknown Conf. Screen Unknown - Declaration of due diligence filed on 11/28/11. Maternal grandfather: Deceased Maternal grandmother: Josie Alvarez - consents and waives notice. Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Recommendation: Aff. Posting Status Rpt					
Pers.Serv. X Xaziyah's paternal grandparents — unknown — Declaration of due diligence filed on 11/28/11. Maternal grandfather: Deceased Maternal grandmother: Josie Alvarez — consents and waives notice. Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Petitioner states custodial parent is unable to provide housing for the children. DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aaliyah's paternal grandparents b. Talaya and Edward's paternal grandparents c. Kaziyah's paternal grandparents — unless the court dispenses with notice. Reviewed by: KT Reviewed on: 1/12/12 Updates: 1/20/12 Recommendation: Petition states father:				1 -	
✓ Conf. Screen unknown − Declaration of due diligence filed on 11/28/11. unknown − Declaration of due diligence filed on 11/28/11. unknown − Declaration of due diligence filed on 11/28/11. unless the court dispenses with notice. (Note: Petition states father is incarcerated in Arizona for life). b. Edward Young (Talaya and Edward's father) c. Unknown father of Kaziyah −unless the court dispenses with notice of the court dispenses with notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on:		Pers.Serv.	Χ		v v
Maternal grandfather : Deceased Maternal grandmother: Josie Alvarez − Consents and waives notice.	✓	Conf. Screen		unknown – Declaration of due diligence	unless the court dispenses with notice.
Objections	✓			^v	incarcerated in Arizona for life).
Video Receipt Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children. Petitioner states custodial parent is unable to provide housing for the children Petitioner states custodial parent is unable to provide housing for the children Petitioner states custodial parent is unable to provide housing for the children Petitioner states custodial parent is unable to provide housing for the children Petitioner states custodial parent is unable to provide housing for the children Petitioner states custodial parent is unable to provide housing for the court dispenses with notice. S. Need proof of service of the Notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aaliyah's paternal grandparents S. Kaziyah's paternal grandparents Petitioner states	✓				— · -
Receipt unable to provide housing for the children. 9202				consens and warres notice.	
CI Report					
Status Rpt Citation Order Order Order DSS Social Worker, Anita Ruiz's DSS Social Worker, Anita Ruiz's DSS Social Worker, Anita Ruiz's Report filed 1/19/12 Declaration of Due Diligence on: a. Aaliyah's paternal grandparents b. Talaya and Edward's paternal grandparents c. Kaziyah's paternal grandparents unless the court dispenses with notice. Reviewed by: KT Reviewed on: 1/12/12 Updates: 1/20/12 Updates: 1/20/12 Recommendation:				1	
✓ Order DSS Social Worker, Anita Ruiz's Report filed 1/19/12 a. Aaliyah's paternal grandparents b. Talaya and Edward's paternal grandparents c. Kaziyah's paternal grandparents – unless the court dispenses with notice. Aff. Posting Reviewed by: KT Status Rpt Reviewed on: 1/12/12 ✓ UCCJEA Updates: 1/20/12 Recommendation: Recommendation:	$\stackrel{\checkmark}{\vdash}$			cmaren.	•
Report filed 1/19/12 b. Talaya and Edward's paternal grandparents	<u> </u>			DSS Social Worker, Anita Ruiz's	
C. Kaziyah's paternal grandparents — unless the court dispenses with notice. Reviewed by: KT Status Rpt ✓ UCCJEA Citation C. Kaziyah's paternal grandparents — unless the court dispenses with notice. Reviewed on: 1/12/12 Updates: 1/20/12 Recommendation:	✓	Order			b. Talaya and Edward's paternal
Aff. Posting Reviewed by: KT Status Rpt Reviewed on: 1/12/12 ✓ UCCJEA Updates: 1/20/12 Citation Recommendation:					
Status Rpt ✓ UCCJEA Citation Reviewed on: 1/12/12 Updates: 1/20/12 Recommendation:					
✓ UCCJEA Updates: 1/20/12 Citation Recommendation:					·
Citation Recommendation:					
	✓	UCCJEA			• •
FTB Notice File 17 – Morales, Young & Lewis					
		FTB Notice			File 17 – Morales, Young & Lewis

Johnson, Robert L. (pro per Petitioner/son) Atty Atty

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Johnson, Susie (pro per Petitioner/daughter-in-law)
Petition to Determine Succession to Real Property (Prob. C. 13151)

Sam DOD: 10/3/1994)4	ROBERT JOHNSON, son, and	NEEDS/PROBLEMS/COMMENTS:
Jes	sie DOD: 8/29/19	993	SUSIE JOHNSON, daughter-	
			in-law, are petitioners.	Continued from 1/5/12. Minute order states Examiner notes are provided to petitioners.
				Petitioners agree to meet with Curtis
Coı	nt. from 010512		40 days since DOD.	Rindlisbacher. Mr. Rindlisbacher informs the
	Aff.Sub.Wit.		•	court that an amended petition will need to be
✓	Verified		No other proceedings	filed. As of 2/24/12 the following issues remain:
	Inventory		I O A NEED	
	PTC		I & A – NEED	1. Petition includes two decedents. A separate petition is needed for each
	Not.Cred.			decedent. Therefore need this petition to
	Notice of	Χ		be amended to include only one of the
	Hrg			decedent's and another petition to be filed for the remaining decedent.
	Aff.Mail			2. Petition was filed using a fee waiver.
	Aff.Pub.			Please note: prior to any order granting
	Sp.Ntc.			distribution of the property all costs of
	Pers.Serv.			administration, including filing fees, must
	Conf. Screen			be paid. 3. Petition is defective in the following areas,
	Letters			including but not limited to:
	Duties/Supp			a. Need inventory and appraisal
	Objections			b. There is no attachment 11 including the
	Video			legal description and decedent's interest in the property.
	Receipt			c. #9a(3) of the petition was not answered
	CI Report			re: issue of predeceased child.
	9202			d. The petition indicates the decedents
	Order	Χ		died intestate. The petition also indicates that both petitioners succeed
				to the property. Pursuant to intestate
				succession only Robert succeeds to the
				property therefore only Robert should
				petition.
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 2/24/12
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 18 - Johnson
				18

Zemirah Channah Johnson (GUARD/P) Case Woody, Carol (pro per Petitioner/maternal grandmother)
Petition for Appointment of Guardianship of the Person

			There is no temporary Temporary was		EDS/PROBLEMS/COMMENTS:
DOB: 11/16/2001			denied.	''-	
					
			CAROL WOODY, maternal grandmother,		
			is petitioner.	1.	Need Notice of Hearing.
Cor	nt. from		Father: DURRON JOHNSON – deceased.	2.	Need proof of personal service of the
	Aff.Sub.Wit.		ramer: DURKON JOHNSON – deceased.		Notice of Hearing or Consent and
1	Verified		Mother: AMEIKA A. MORRIS –		Waiver of Notice or Declaration of Due
Ė	Inventory		Declaration of Due Diligence filed on		Diligence on: a. Ameika A. Morris (mother) –
	PTC		1/19/12.		unless the court dispenses with
	Not.Cred.		Paternal grandfather: deceased		notice.
	Notice of	Χ	Paternal grandmother: Tonya S. Sloan	3.	Need proof of service of the <i>Notice of</i>
	Hrg		Maternal grandfather: Torrance Mathis		Hearing or Consent and Waiver of
	Aff.Mail	Х			Notice or Declaration of Due Diligence on:
	Aff.Pub.		Petitioner states mother is not caring for the		a. Tonya Sloan (paternal
	Sp.Ntc.		child. She sent the child to the paternal grandmother for a visit and never returned.		grandmother)
	Pers.Serv.	Χ	The exact whereabouts of the minor is not		b. Torrance Mathis (maternal
✓	Conf. Screen		certain. The grandmother the minor was		grandfather)
1	Letters		visiting works fulltime and travels on the		
1	Duties/Supp		weekend. The mother has a history of disappearing for long periods of time in the		
Ě	Objections		past leaving the minor with acquaintances		
	Video		unknown to the minor. The last Petitioner		
	Receipt		heard the mother was in San Jose. The minor is currently missing school.		
1	CI Report		minor is currently missing school.		
	9202		Court Investigator JoAnn Morris' Report		
1	Order		filed on 2/22/12.		
	Aff. Posting			Re	viewed by: KT
	Status Rpt			Re	viewed on: 2/24/12
✓	UCCJEA			Up	dates:
	Citation			Re	commendation:
	FTB Notice			File	e 19 - Johnson
			<u> </u>		40

Atty Kee, Dennis Sr. (pro per Petitioner/paternal grandfather)
Atty Kee, Linda (pro per Petitioner/paternal grandmother)

Atty Kee, Lashae (pro per Step-mother)

Petition for Appointment of Guardian of the Person (Petitioners Dennis and Linda Kee) (Prob. C. 1510)

Age	e: 4 years		Temporary Expires 3/5/12	NE	EDS/PROBLEMS/COMMENTS:
_	B: 5/10/2007		DENNIS KEE and LINDA KEE , paternal grandparents, are petitioners.	1.	Need Notice of Hearing. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
Co	nt. from		Father: DENNIS KEE, JR.		a. Dennis Kee, Jr. (father)
	Aff.Sub.Wit.		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		b. Angela Whatley (mother)
✓	Verified		Mother: Not Listed (Angela Whatley)	3.	Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>temporary petition or</i>
	Inventory		· · · · · · · · · · · · · · · · · · ·		Consent and Waiver of Notice or Declaration of
	PTC		Maternal grandparents: Not listed.		Due Diligence on: a. Maternal grandparents
	Not.Cred.		-	4.	Pursuant to the Court Investigator's Report
	Notice of	Χ	Petitioners state father is in jail		the minor has Indian ancestry. Therefore, a
	Hrg		and the child needs a guardian.		Notice of Child Custody Proceeding for Indian
	Aff.Mail	Χ	Objections of the father, Dennis		Child (Form ICWA-030), must be served
	Aff.Pub.		Kee, filed on 1/19/12 states		together with copies of petition and all attachments, including this form, on the
	Sp.Ntc.		Lashae Kee is the step-mother and		child's parent; any Indian custodian; any
	Pers.Serv.	Χ	could provide, shelter, food, and		Indian tribe that may have a connection to
✓	Conf. Screen		transportation for the minor.		the child; the Bureau of Indian Affairs (BIA),
✓	Letters		Father does not want the minor separated from her brother and		and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail,
✓	Duties/Supp		sister. Father states his parents already have their hands full with	5.	return receipt requested. Per item 4 above, Petitioners will need to
	Objections		the children they already have		return the completed copy of the <i>Notice of</i>
	Video		there and also their health is poor.		Child Custody Proceeding for Indian Child to the probate clerk. The probate clerk will
	Receipt		•		then mail the notice to the required agencies
✓	CI Report		Court Investigator Julie		as required.
	9202		Negrete's Report filed on 2/22/12	6.	After mailing, per item 5 above, need proof
1	Order				of service of notice, including copies of the notices sent and all return receipts and
					responses received, pursuant to Probate
					Code 1460.2(d).
				7.	UCCJEA is incomplete. Need the minor's residence information for 5/10/2007 to present.
	Aff. Posting			Res	viewed by: KT
	Status Rpt				viewed by: K1
	UCCJEA				dates:
Ľ	Citation				commendation:
	FTB Notice				e 20A - Whatley
	FIDINULICE			rii(20A - whattey

Atty Kee, Dennis Sr. (pro per paternal grandfather)
Atty Kee, Linda (pro per paternal grandmother)
Atty Kee, Lashae (pro per Petitioner/Step-mother)

Petition for Appointment of Guardian of the Person (Petitioner Lashae Kee) (Prob. C. 1510)

	•		Ent of Guardian of the Person (Pention	"
_	e: 4 years		No temporary. Temporary	NEEDS/PROBLEMS/COMMENTS:
	B: 5/10/2007		denied. LASHAE KEE, step-mother, is petitioner	 8. Need Notice of Hearing. 9. Need proof of personal service of the Notice of Hearing along with a copy of the temporary
Coi	nt. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub.	Father: DENNIS KEE, JR. – consents and waives notice. Mother: ANGELA WHATLE declaration of due diligence fit on 1/9/12. Cred. Paternal grandfather: Dennis K Paternal grandmother: Linda K Mail X Maternal grandparents: Unkno – declaration of due diligence	Father: DENNIS KEE, JR. – consents and waives notice. Mother: ANGELA WHATLEY – declaration of due diligence filed on 1/9/12. Paternal grandfather: Dennis Kee Paternal grandmother: Linda Kee Maternal grandparents: Unknown – declaration of due diligence filed	 petition or Consent and Waiver of Notice or Declaration of Due Diligence on: c. Angela Whatley (mother) 10. Need proof of service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: b. Maternal grandparents 11. Pursuant to the Court Investigator's Report the minor has Indian ancestry. Therefore, a Notice of Child Custody Proceeding for Indian Child (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the
	Sp.Ntc.		on 1/9/12.	child's parent; any Indian custodian; any
	Pers.Serv.	Х	D-4*4*	Indian tribe that may have a connection to
✓	Conf. Screen		Petitioner states she is the stepmother and has been raising	the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the
✓	Letters		the minor for the past four years. The father has full sole custody of	Interior, by certified or registered U.S. Mail, return receipt requested.
✓	Duties/Supp		the minor. Father is currently in	12. Per item 4 above, Petitioners will need to
	Objections		jail and petitioner states he wanted	return the completed copy of the Notice of Child Custody Proceeding for Indian Child to
	Video Receipt		her to have guardianship. Court Investigator Julie	the probate clerk. The probate clerk will then mail the notice to the required agencies
✓	CI Report		Negrete's Report filed on	as required. 13. After mailing, per item 5 above, need proof
	9202		2/22/12.	of service of notice, including copies of the
✓	Order			notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 2/24/12
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 20B - Whatley
				22B

20B

Stegall, Nancy J. (for Lynda Lockwood - Maternal Grandmother - Petitioner) Atty

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

	drix Escoto (age 3: 1-9-02	10)				
Can	Camryn Escoto (age 7) DOB: 4-22-04					
	Carlos Escoto III (age 6)					
	DOB: 12-15-05					
	Aff.Sub.Wit.					
>	Verified					
	Inventory					
	PTC					
	Not.Cred.					
	Notice of Hrg	Χ				
	Aff.Mail	Χ				
	Aff.Pub.					
	Sp.Ntc.					
	Pers.Serv.	Χ				
	Conf. Screen					
	Letters	Χ				
	Duties/Supp					
	Objections					
	Video Receipt					
	CI Report					
	9202					
	Order	Χ				
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1	Status Rpt					
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	Citation FTB Notice					
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TEMPORARY GRANTED EX PARTE EXPIRES 3-5-12

GENERAL HEARING 4-25-12

LYNDA LOCKWOOD, Maternal Grandmother, is Petitioner.

Father: CARLOS ESCOTO

Mother: LAURA ESCOTO

Consent and Waiver of Notice filed 2-22-12

Paternal Grandfather: Not provided Paternal Grandmother: Not provided Maternal Grandfather: Not provided

Petitioner states the children will be in immediate danger if Petitioner is not appointed Guardian. Mother abuses illegal and prescription drugs and advised Petitioner that she will be evicted from her home at the end of February 2012. She will then be homeless and have nowhere to go with the children. Mother also suffers from Bi-Polar Disorder and severe anxiety, but cannot responsibly take her medication due to her drug addiction.

Approximately one month ago, Mother became erratic and severely depressed and slit her wrists. The youngest child saw this traumatic incident through the ajar bathroom door. She was placed on a 5150 hold and discharged. Mother has recently reached out to Petitioner for help with the children and Petitioner agreed to provide a home for them and act as Guardian while Mother gets healthy.

Petitioner states Father is on drugs and lives on the streets. He has been arrested at least four times in the past six months for drug offenses, as well as violating a restraining order that protects Mother.

NEEDS/PROBLEMS/COMMENTS:

Note: Petitioner was appointed Guardian of minor Arianna Buik (age 10) on 11-3-03 in 03CEPR00884.

1. Need proof of personal service of Notice of Hearing with a copy of the **Temporary Petition at least five** Court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on Carlos Escoto (Father).

Note: Petitioner states Father is not actively or regularly involved in the children's lives and Petitioner does not know how to contact him. Petitioner fears if he learns about the temporary guardianship he will try to take the children. Petitioner states his parents will not even allow them in their home any longer.

Note: Court records reflect a current restraining order protecting Mother from Father dated 6-1-11 in case # 09CEFL03137 that expires 6-1-14. (A copy is in the file for reference.)

The Order gives sole legal and physical custody to Mother and provides visitation to Father as follows:

"Father shall have visitation every weekend Friday 5pm through Sunday 5pm. Paternal grandmother to provide transportation or any 3rd party designated by paternal grandmother and known to all parties. Exchanges to occur at Mr. Escoto's home. Mr. Escoto is not to be a t the exchanges."

Reviewed by: skc Reviewed on: 2-24-12

Updates:

Recommendation:

File 21 - Escoto